

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RIVER ROAD DISPOSAL SYSTEM

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) CASE NO. 96-458

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INVESTIGATION INTO THE JURISDICTIONAL
STATUS OF SEWAGE TREATMENT FACILITIES

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O R D E R

Commission Staff conducted a field investigation of the sewage treatment facilities operated by the River Road Disposal System on September 13, 1995. In its investigation report, which is appended hereto, Commission Staff found that Rick Cantrell is the owner of River Road Disposal System, which is operated by Keith Fairchild. The system has approximately 11 customers. These customers are served by a wastewater treatment system consisting of a 6,000 gallon per day plant and a collection system. Each customer pays \$17.00 per month for sewer service.

All utilities in Kentucky are subject to the jurisdiction of the Public Service Commission pursuant to KRS 278.040. KRS 278.010 defines a utility as:

[A]ny person except a city, who owns, controls, or operates or manages any facility used or to be used for or in connection with:

* * *

(f) The treatment of sewage for the public, for compensation, if the facility is a subdivision treatment facility plant, located in a county containing a city of the first class or a sewage treatment facility located in any other county and is not subject to regulation by a metropolitan sewer district.

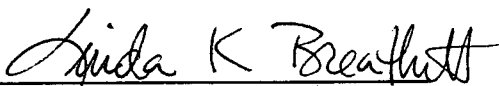
Based on the Commission Staff's field investigation, it appears that River Road Disposal System provides sewage treatment to the public for compensation. If this is indeed the case, River Road Disposal System is a utility subject to the Commission's jurisdiction. A Certificate of Public Convenience and Necessity has not been issued for the system, nor have its annual reports, rules and regulations, safety manual, or inspection procedures manual concerning the system been filed with the Commission. It also appears the facility is not in an acceptable operating condition, nor in compliance with Commission rules and regulations.

IT IS THEREFORE ORDERED that:

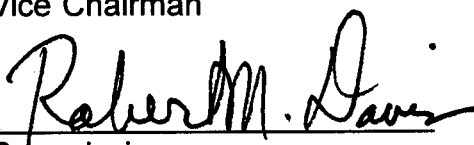
1. A hearing in this matter shall be held on November 8, 1996, at 10:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of determining the jurisdictional status of the River Road Disposal System.
2. Rick Cantrell shall submit to the Commission, within 20 days of the date of this Order, a written response to the statements contained herein and to the contents of the Investigation Report.
3. The Investigation Report of October 9, 1995, which is appended hereto, is made part of the record of this proceeding.
4. Any motion requesting an informal conference with Commission Staff to consider the simplification of issues or any other matters which may aid in the handling or disposition of this proceeding shall be filed with the Commission no later than 20 days from the date of this Order.

Done at Frankfort, Kentucky, this 23rd day of September, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

APPENDIX

AN APPENDIX TO AN ORDER OF THE PUBLIC SERVICE COMMISSION
OF KENTUCKY IN CASE NO. 96-458 DATED SEPTEMBER 23, 1996

Commonwealth of Kentucky
Public Service Commission

NON-JURISDICTIONAL UTILITY INVESTIGATION REPORT

River Road Disposal System
Van Lear, Kentucky

On September 13, 1995, the Public Service Commission received from Johnson & Johnson & Phillips, Attorneys at Law, a letter stating that the operation of the River Road Disposal System was being transferred from Rick Cantrell to Mr. Keith Fairchild (see attachment A).

The Commission deemed it advisable to initiate an investigation to determine (a) the condition the utility is operating at the current time; and (b) the qualifications of the new operator. The investigation was conducted October 4, 1995.

Investigation

This investigation included researching Commission records, Natural Resources records, and on-site inspection, talking with a customer, Mr. Wells, and speaking with the new plant operator, Mr. Keith Fairchild. During the investigation the following information was established:

1. A previous inspection of the system was conducted on January 7, 1992 (see attachment B).
2. Mr. Fairchild is a certified plant operator with Certification No. 4966, Class III.
3. The wastewater treatment system consists of a 6,000-gallon per day plant and a collection system.
4. The system has approximately 11 customers.

5. The system was constructed in 1969.
6. The receiving stream is the Levisa Fork of the Big Sandy River.
7. The wastewater treatment plant is an extended aeration made by Clow/Aer-O-Flow.
8. According to Mr. Wells each customer pays \$17.00 per month.
9. The person to contact is as follows:

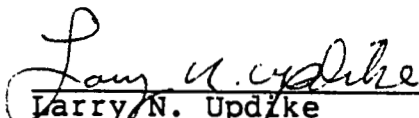
Billy R. Cantrell
HC 70, Box 1460
Van Lear, Kentucky 41265
Phone No. 606-789-5136
10. The Permit No. is Ky. 0094129.
11. The permit is good until the end of 1995.
12. A Certificate of Public Convenience and Necessity has not been issued for this system.
13. No annual reports, rules and regulations, safety manual or inspection procedures manual concerning the system have been filed with the Commission.
14. Certain improvements/corrections are necessary to bring the utility to an acceptable operating condition and into compliance with the Commission rules and regulations. They are as follows:
 - A. The chlorine contact basin needs to be cleaned of sludge as per 807 KAR 5:071 Sec.7(1).
 - B. A backup blower/motor unit or immediate access to one is needed in case of an emergency as per 807 KAR 5:071 Sec.7(1).

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Conclusion

The office of the General Counsel should determine this utility's status and take the appropriate action.

Submitted,
October 9, 1995


Larry N. Updike
Utility Investigator

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